



570 Broad Street / Suite 1201 / Newark, NJ 07102  
973.623.3000 Main / 973.623.0858 Fax / litedepalma.com  
Newark / Philadelphia

January 21, 2022

**VIA ECF**

Hon. William J. Martini, U.S.D.J.  
Hon. Cathy L. Waldor, U.S.M.J.  
United States District Court, District of New Jersey  
Martin Luther King Bldg. & U.S. Courthouse  
50 Walnut Street, Rm. 4015  
Newark, NJ 07101

**Re: *Elizabeth McNair, Administrator Ad Prosequendum of the Estate of Darrell Smith, and Elizabeth McNair, individually v. State of New Jersey, et al***  
**Civil Action No. 2:21-cv-01291 WJM-CLW**

Dear Judge Martini and Judge Waldor:

This office represents Defendant Sergeant Freddie Rodriguez in the above referenced matter. On or about December 14, 2021, Defendants, State of New Jersey, New Jersey Department of Corrections, Special Treatment Unit, Adult Diagnostic Treatment Center, Marcus Hicks, Acting Commissioner Victoria Kuhn, and New Jersey Department of Health filed a motion seeking to strike paragraphs 182 – 205 from Plaintiff's Second Amended Complaint pursuant to Fed. R. Civ. P. 12(f)(2). In lieu of a more formal submission and to not overburden the Court, the Defendant Rodriguez, by way of this correspondence, seeks to join in the motion to strike for the reasons expressed by the Defendants in their submissions.

Should Your Honors have any questions or require any additional submissions, please do not hesitate to have your chambers communicate with me.

Respectfully submitted,

/s/ *Victor A. Afanador*

Victor A. Afanador

VAA:cd

cc: All Counsel of Record (via ECF)